

***United States Court of Appeals
for the Second Circuit***



APPENDIX

74-1997

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Index No: 74 Cr. 1997

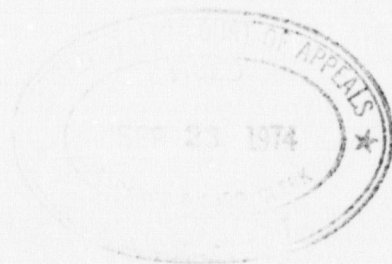
UNITED STATES OF AMERICA,
Appellee,

-against-

WILLIAM CRUZ-ARGUNZONI,
Defendant-Appellant.

A P P E N D I X

BENJAMIN J. GOLUB
Attorney for Defendant-Appellant
Office & P.O. Address
10 East 40th Street
New York, New York 10016
(212) 686-4300



3

PAGINATION AS IN ORIGINAL COPY

JUDGE BONSAI

74 CRIM 378

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	Richard I. Wile, AUSA
WILLIAM CRUZ-ARGUNZONI-all cts.	264-6432
WILLIAM HERNANDEZ-1 A	
AVELINO ROMAN-2	
JUAN ALBERTO ROSA-3	
GILBERTO TABOADA-DE JESUS-2 A	For Defendant:

(12) ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
Fine,		7/19/74	Jail	J	
Clerk,		7/23/74	Wear		J
Marshal, 2,5,1,3					
Attorney,					
County Clerk 26:5811, 5812, 5845, 5871					
County Unlaw. transfer of firearm.					
(Three Counts)					

DATE	PROCEEDINGS
4-11-74	Filed indictment.
4-15-74	Adj. to 4-22-74. Pierce, J.
4-22-74	Hernandez (atty. present) Pleads not guilty. Bail continued as fixed by Mag. (\$1,000. P.R.B.) Case assigned to Judge Bonsal for all purposes. Defts. Roman, Rosa, De Jesus and Argunzoni (ADJOURNED TO 4-29-74. Pierce, J.
7/25/74	Wm. Hernandez- filed notice of appearance by: Hyman E. Goldstein, 50 B'way, NYC 10004 tele: 943-4545.

PROCEEDINGS	CLERK'S FEES	
	PLAINTIFF	DEFENDANT
Deft De Jesus (atty present) pleads not guilty to ct.2. set for trial. Deft. released on own recognizance. Bonsal, J.	5/28/74	
Bench warrants ordered for defts Cruz-Argunzoni, Roman and Rosa. Bonsal, J.		
Bench warrant issued for defts Roman, Rosa and Cruz-Argunzoin. Bonsal, J.		
Gilberto T. DeJesus- filed notice of appearance by atty: Salzman & Ingber, 325 B'way, NYC 233-6550.		
Avelino Roman (att J. Halliman present) pleads not guilty to ct.2. Bench warrant vacated. Deft. released on own recognizance 5/28/74 set for sentence. Bonsal, J.		
74 William C. Argunzoin pleads not guilty. Bail cont'd. B/W vacated. D.B.B.		
74 Jury empanelled. Trial begun before Judge Bonsal Cruz-Arounzomi by Richard Golub ct 1,2,3 Hernandez by Hyman Goldstein Ct. 1, Roman C. Joseph Hallinan ct.2, Tabuada-De Jesus by Allan Saltzman ct.2.		
Trial cont'd.		
Trial cont'd.		
Deft. Roman (atty C.J. Hannöham present) pleads GUILTY to ct. 2. Pre-sentence report ordered. 7/18/74 set for sentence. Deft. released on own recognizance.		
Trial cont'd. R ^E : defts Cruz, Hernandez Tobgada, motions to dismiss- denied.		
Trial cont'd.		
Cruz - GUILTY cts 1,2,3. P.R.R. ordered 7/18/74 set for sent. Bail cont. Hernandez - Acquitted, Toboaoda-DeJesus- Acquitted, bail discharged. Bonsal, J.		

-over-

0 Rev. Civil Docket Continuation

TE	PROCEEDINGS	Date Order or Judgment Noted
/74	Wm. Cruz- filed CJA 21 appointment of interpreter, and approval for payment of same. Bonsal, J. mailed copies. (interpreter J. Melendez)	
/74	Wm. Cruz- filed CJA 21 appointment of interpreter, and approval for payment of same. Bonsal, J. mailed copies. (interpreter S. Alfonso)	
/74	Wm. Cruz- filed CJA 21 appointment of interpreter, and approval for payment of same. Bonsal, J. mailed copies. (interpreter R. Scholn)	
/74	Wm. Cruz- filed CJA 21 appointment of interpreter, and approval for payment of same. Bonsal, J. mailed copies. (interpreter I. Deutsch)	
8/74	<p>AVELINO ROMAN- (atty present) Filed Judgment- Deft. is hereby committed to the custody of the Atty. Gen'l. or his authorized representative for imprisonment for a period of EIGHTEEN (18) MONTHS on count 2 pursuant to Section 3651 of Title 18, U.S. Code, as amended, with provision that the deft. be confined in a JAIL type institution for a period of SIXTY (60) DAYS as provided in the aforesaid section. Execution of the remainder of the sentence is suspended and the deft. is placed on probation for a period of TWO (2) YEARS, to commence upon the expiration of confinement, subjection to the standing probation order of this court. Deft. is cont.'s on present bail until 7/25/74 at which time he is to surrender for service of sentence. Bonsal, J. issued copies.</p> <p>7/22/74 ent.</p>	
/74	<p>WILLIAM CURZ-ARGUNZONI- (atty present) Filed JUDGMENT - Deft is committed to the custody of the Atty. Gen'l or his authorized representative for imprisonment for a period of SIX (6) MONTHS on count 1; TWO (2) YEARS on each of count 2 and 3, to run concurrently with each other. Execution of sentence on counts 2 and 3 is suspended. Deft. is placed on probation for a period of TWO (2) YEARS, to commence upon expiration of confinement imposed on count 1, subject to the standing probation order of this Court. Deft. cont'd. on present bail until 7/23/74 at which time he is to surrender for service of sentence. Bonsal, J. issued copies.</p> <p>7/22/74 ent.</p>	
/74	Wm. Cruz-Argunzoni- filed notice of appeal from final conviction; mailed copies.	
/74	Filed deft. W. Cruz-Argunzoni's request for voir dire.	
/74	Filed deft. W. Cruz-Argunzoni's requests to charge.	
/74	Filed Govt's suppl. request to charge.	
/74	Filed deft. W. Hernandez's affdvt of an appl. for an adjournment.	
/74	Filed Govt.' requests to charge.	
74	Filed OPINION # 40986 - deft. Cruz-Argunzoin's appl. to continue bail pending...denied. Bonsal, J. mn	
74	Filed transcript of record of proceedings, dated 6/5-6/74	
74	Filed transcript of record of proceedings, dated 6/4/74	

PROCEEDINGS

Date Order or
Judgment Noted

2 Filed transcript of record of proceedings, dated 6/2/74

Bench Warrant Issued on Defendant William Cruz-Argunzoni.

✓ Filed transcript of record of proceedings, dated 7/18/74

Wm. Cruz- filed CJA form 21 appointment of Norma Seltzer interpreter.
Mailed copies. Bonsal, J.Wm. Cruz- filed CJA form 21 approval for payment of fees of interpreter
Norma Seltzer. mailed copies. Bonsal, J.Wm. Cruz- filed true copy of judgment and commitment and marshal's
return, deft. delivered to Fed. Det. Hdqtrs, NYC 7/23/74.Avelino Roman- filed true copy of judgment and commitment and
marshal's retrun, deft. delivered to Fed. Det. Hdqtrs,
NYC 7/25/74.Wm. Cruz- filed notice of record on appeal being certified and
transmitted to the U.S.C.A. 8/9/74.Wm. Cruz- filed CJA 21 authorization for payment of fees of
Court Reporters. Mailed copies CJA Clerk. Bonsal, J.Gilberto Tobada-DeJesus- filed CJA 21 authorization for payment of
fees of Court Reporters. Mailed copies CJA Clerk. Bonsal, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

WILLIAM CRUZ-ARGUNZONI, WILLIAM
HERNANDEZ, AVELINO ROMAN, JUAN
ALBERTO ROSA and GILBERTO TABOADA-
DEJESUS,

Defendants.

*alleged because
of conflict*
INDICTMENT

74 Cr. 378

COUNT ONE

The Grand Jury charges:

On or about July 27, 1973, in the Southern District of New York, WILLIAM CRUZ-ARGUNZONI and WILLIAM HERNANDEZ, the defendants, unlawfully, willfully and knowingly did transfer a firearm, namely, one .12 gauge U.S. Arms Co. double barreled, sawed-off shotgun, bearing serial number 5837, with a barrel length of 15-1/2 inches and an overall length of 25-3/4 inches, without having filed with the Secretary of the Treasury or his delegate a written application for the transfer and registration of said firearm to the transferee and without having secured the approval of the Secretary of the Treasury or his delegate for the transfer and registration of said firearm to the transferee and without having paid the tax due and payable on the transfer of said firearm.

(Title 26, United States Code, Sections
5811, 5812, 5845, 5861(e) and 5871 and
Title 18, United States Code, Section 2.)

ONLY COPY AVAILABLE

The Grand Jury further charges:

On or about September 14, 1973, in the Southern District of New York, WILLIAM CRUZ-ANGUNZONI, AVELINO ROMAN and GILBERTO TABOADA-DE JESUS, the defendants, unlawfully, willfully and knowingly did transfer a firearm, namely one .303 caliber Winchester semi-automatic, sawed-off rifle, bearing serial number 10330, with a barrel length of 12-1/2 inches and an overall length of 24-1/8 inches, without having filed with the Secretary of the Treasury or his delegate a written application for the transfer and registration of said firearm to the transferee and without having secured the approval of the Secretary of the Treasury or his delegate for the transfer and registration of said firearm to the transferee and without having paid the tax due and payable on the transfer of said firearm.

(Title 26, United States Code, Sections 5811, 5812, 5845, 5861(e) and 5871 and Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

On or about November 19, 1973, in the Southern District of New York, WILLIAM CRUZ-ANGUNZONI and JUAN ALBERTO ROSA, the defendants, unlawfully, willfully and knowingly did transfer a firearm, namely, one .12 gauge Parker double barreled, sawed-off shotgun,

ONLY COPY AVAILABLE

bearing serial number 64386, with a barrel length of 13-1/2 inches and an overall length of 24-1/2 inches, without having filed with the Secretary of the Treasury or his delegate a written application for the transfer and registration of said firearm to the transferee and without having secured the approval of the Secretary of the Treasury or his delegate for the transfer and registration of said firearm to the transferee and without having paid the tax due and payable on the transfer of said firearm.

(Title 26, United States Code, Sections 5811, 5812, 5845, 5861(e) and 5871 and Title 18, United States Code, Section 2.)

FOREMAN

PAUL J. CURRAN
United States Attorney

ONLY COPY AVAILABLE